

23026 U.S. PTO
021804

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: GALG / 09CO

Applicant: Brian Gallagher

Title: TRAINING BAT AND METHOD

19270 U.S. PTO
10/780805
021804

CERTIFICATE OF MAILING BY EXPRESS MAIL - 37 CFR 1.10

'Express Mail' mailing label number: EV354968541US
Date of Deposit: February 18, 2004

I certify that this paper or fee (along with the enclosures noted herein) is being deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR 1.10 on the above date and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kenneth Eads
By: Kenneth Eads (person mailing paper)

UTILITY PATENT APPLICATION TRANSMITTAL

*Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450*

This is a request for filing, under 37 CFR § 1.53(b), a(n):

- ☐ Original (non-provisional) application.
- ☐ Divisional of prior application Serial No. __, filed on __.
- ☒ **Continuation of prior application Serial No. 09/817,863, filed on March 26, 2001.**
- ☐ Continuation-in-part of prior application Serial No. __, filed on __.

For Divisional and Continuation applications ONLY:

- ☒ **Copy of Executed Declaration, Power of Attorney and Petition Form from parent application is enclosed (as noted below in Enclosures).**
- ☒ **Incorporation by Reference: The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.**

For all Divisional, Continuation and Continuation-in-part applications:

- ☒ **Small Entity Status was requested in the prior application, and small entity status is still proper and desired.**
- ☐ This application is assigned to __ by virtue of an earlier assignment filed in the prior application at Reel __, Frame __.

PRELIMINARY AMENDMENT/CALCULATION OF FEES

- ☐ Please cancel claims __ without prejudice, and prior to calculating the fees. __ total claim(s), of which __ is(are) independent, is(are) pending after the amendment.
- ☐ Please enter the enclosed preliminary amendment identified below prior to calculating the fees. __ total claim(s), of which __ is(are) independent, is(are) pending after the amendment.

☐ Small Entity Status is Requested

☒ **The Fees are Calculated as Follows:**

Fee:	Number of Claims:	In Excess of:	Extra:	At Rate:	Amount:
Total Claims	10	20	0	\$18	\$0.00
Independent Claims	2	3	0	\$86	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					
BASIC FEE					\$770.00
TOTAL OF ABOVE CALCULATIONS					\$770.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY					\$385.00
TOTAL					\$385.00

ENCLOSURES

☒ **Utility Patent Application Transmittal Form (in duplicate) containing Certificate of Mailing By Express Mail Under 37 CFR 1.10.**

☒ **Return Postcard.**

APPLICATION PAPERS

☒ **Utility Patent Application, with: cover sheet, 21 page(s) specification (including 10 total claim(s), of which 2 is(are) independent, and 1 page(s) abstract).**

☒ **Drawings: 1 sheet(s) of formal drawings (2 total figure(s)).**

☐ Microfiche Computer Program (Appendix).

☐ Nucleotide and/or Amino Acid Sequence, including (all are necessary): Computer Readable Copy, Paper Copy (identical to computer copy), and Statement verifying identity of copies.

☐ An ___ Declaration, Power of Attorney and Petition Form.

☒ **Copy of Executed Declaration, Power of Attorney and Petition Form from prior application identified above.**

☐ Certified Copy of priority document(s) identified as attached above.

ADDITIONAL PAPERS

☐ Assignment to __, Recordation Cover Sheet (Form PTO-1595)

☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i)

☐ Preliminary Amendment (to be entered prior to calculation of fees)

☐ Information Disclosure Statement, ___ sheet(s) Form PTO-1449, ___ U.S. Patent Reference(s), ___ Foreign Patent Reference(s) and ___ Other Reference(s)

☐ Other: ___

CHECKS

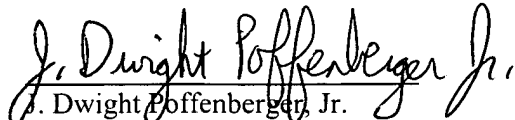
☒ **A Check of \$385.00 for the filing fee.**

☐ A Check of ___ for the assignment recording fee.

DEPOSIT ACCOUNT AUTHORIZATION

- ☐ Please charge Deposit Account No. 23-3000 in the amount of .
- ☒ **The Commissioner is authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 23-3000. A duplicate of this transmittal is attached.**
- ☐ THE PAYMENT OF FEES IS BEING DEFERRED.
-

Respectfully Submitted,


J. Dwight Poffenberger, Jr.
Reg. No. 35,324

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine St.
Cincinnati, Ohio 45202
(513) 241-2324